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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JEFFREY T. MILLER)

UNITED STATES OF AMERICA,)	Case No. 10-CR-4246 (JM)
)	
Plaintiff,)	
)	
v.)	<u>DECLARATION OF</u>
)	<u>JOSHUA L. DRATEL IN</u>
BASAALY MOALIN,)	<u>SUPPORT OF MOTIONS</u>
)	
Defendant.)	

Joshua L. Dratel, Esq., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am a lawyer, and I represent defendant Sabirhan Hasanoff in the above-captioned case. I make this Declaration in support of Mr. Moalin's Motions to, (1) suppress evidence obtained pursuant to a FISA wiretap in violation of the statute, the First, and Fourth Amendments; (2) suppress evidence obtained during a search of Mr. Moalin's home in violation of Mr. Moalin's Fourth Amendment rights; (3) suppress a statement obtained from Mr. Moalin in violation of his Sixth Amendment right to counsel; (4) compel production of *Brady* material; (5) grant leave to join co-defendant's motions; and (6) grant leave to file further motions.

2. Attached as Exhibits to this Declaration, and relevant to Mr. Moalin's motion, are the following:

- a. FBI report, FIG assessment, dated June 15, 2011, attached as Exhibit 1
- b. *Miranda* Waiver form, dated October 31, 2010, Search and Seizure Warrant, dated October

29, 2010, attached as Exhibit 2

c. FBI 302, dated November 2, 2011, attached as Exhibit 3

d. Search and Seizure Warrant, dated October 29, 2010, attached as Exhibit 4

e. Application for Search and Seizure Warrant, dated October 29, 2010, attached as Exhibit 5

f. FBI report, dated February 24, 2009, attached as Exhibit 6

3. The legal and factual bases for these motions are set forth in the accompanying Statement of Facts and Points of Authorities, and it is respectfully requested that the facts set forth therein be incorporated by reference in this Declaration.

4. Prior application for this relief has not been made.

WHEREFORE, it is respectfully requested that the Court grant Mr. Moalin's Motions in their entirety.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746.

Executed: December 9, 2011

/S/ Joshua L. Dratel
JOSHUA L. DRATEL